

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

MARTY JOHN HARRIS,)	
)	
Petitioner,)	
)	
v.)	CV 315-106
)	
LYNN SHEFFIELD, and)	
CHRIS STEVENSON,)	
)	
Respondents.)	

ORDER

Petitioner Marty John Harris, an inmate currently incarcerated at the Irwin County Detention Center in Ocilla, Georgia, brings the above-styled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. no. 1.) Petitioner has also submitted a declaration showing he has insufficient funds to pay the \$5.00 filing fee. Therefore, the Court **GRANTS** Petitioner leave to proceed *in forma pauperis* (“IFP”). (Doc. no. 3.)

The Court hereby **ORDERS** Respondents to answer in writing the allegations of the petition within sixty days of the date of this Order. Pursuant to Rule 5, Rules Governing Section 2254 Cases in the United States District Courts, the answer shall include the following:

1. certified copy of the trial transcript from Petitioner’s state court conviction;
2. certified copy of the transcript from Petitioner’s state habeas corpus hearings;

3. decision of the state habeas courts; and,
4. if Petitioner appealed from the judgment of conviction or from an adverse judgment or order in a post-conviction proceeding, a copy of Petitioner's and Respondents' brief on appeal and the opinion of the appellate court, if any, as to each proceeding.

Either with the filing of the answer or within fifteen days, Respondents shall move for dismissal or explain in writing why the petition cannot be adjudicated by a motion to dismiss. Copies of all filed exhibits referenced in Respondents' pleadings must be served on Petitioner. Rodriguez v. Fla. Dep't of Corr., 748 F.3d 1073, 1077 (11th Cir. 2014).

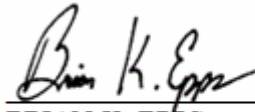
Petitioner and Respondents shall submit to the Court their respective briefs of law within the aforementioned sixty day period, not to exceed twenty-six typewritten pages, double-spaced on letter-sized paper. Petitioner and Respondents shall refer to specific pages of the trial transcript in which it is contended that constitutional error did or did not occur.

No discovery shall be had by either party without leave of court. Rule 6, Rules Governing Section 2254 Cases in the United States District Courts. Unless and until Petitioner demonstrates that the state habeas court's fact-finding procedure was not adequate to afford a full and fair evidentiary hearing or that the state habeas court did not afford the opportunity for a full, fair, and adequate hearing, this Court's consideration of Petitioner's habeas petition will be limited to an examination of the evidence and other matters presented to the state trial, habeas, and appellate courts.

The Court further **ORDERS** the **CLERK** to serve this Order upon Petitioner. Additionally, a copy of the petition and this Order shall be served upon Respondents by certified mail, return receipt requested. The Clerk is further directed to serve a copy of the

petition and this Order upon the Honorable Samuel S. Olens, Attorney General, 40 Capital Square, Suite 134, Atlanta, Georgia 30334-1300, by U.S. Mail. The Court **VACATES** its earlier Order. (Doc. no. 7.)

SO ORDERED this 1st day of March, 2016, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA